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INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 4459
RUEHLM/AMEMBASSY COLOMBO PRIORITY 4714
RUEHKA/AMEMBASSY DHAKA PRIORITY 9821
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 2699
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RUEKJCS/SECDEF WASHDC PRIORITY
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SUBJECT: GOVERNMENT SCRAPS TERROR ORDINANCE

Classified By: CDA Larry Schwartz. Reasons 1.4 (b/d).

Government Scraps Terrorist Detention Law

¶1. (C) According to media reports June 12, the Government of Nepal (GON) Council of Ministers decided to scrap the Terrorist and Disruptive Activities Ordinance (TADO), effective immediately. TADO allowed security forces to detain suspected terrorists for up to 360 days without charging them with a crime - its scrapping facilitates a Maoist demand. Media reported that the GON would withdraw charges against Maoists who were charged under the Act. Embassy sources indicated that the government would release between 300-600 Maoists due to this decision.

Political Leaders Disagree On Government's Decision

¶2. (C) C.P. Mainali, General Secretary of the Communist Party of Nepal - Marxist-Leninist (CPN-ML), part of the seven-party alliance, speculated to us that the GON scrapped TADO because it was convinced of the Maoists' intentions to peacefully join mainstream politics after the recent meeting between Home Minister Sitaula and Maoist leader Prachanda. Mainali said that scrapping TADO would help create a positive atmosphere for peace talks between the GON and the Maoists. Conversely, Arjung Narsingh K.C., Central Committee Member of the Nepali Congress (NC), emphasized privately that although his party had agreed with the decision to scrap TADO, he was unhappy with the decision because there was "a chance of falling into a Maoist trap." He stressed that this decision was taken too early, and the seven-party alliance was fulfilling all Maoist demands while the Maoists were continuing abductions and extortion.

¶3. (C) Subodh Pyakurel, President of local human rights NGO, Informal Sector Service Center (INSEC), indicated that crimes committed by the Maoists were more severe than TADO could address and that other prevailing laws could be used to properly prosecute them. C.P. Mainali separately agreed, explaining that TADO had been introduced to target the Maoists specifically, as opposed to laws of general application that could be used to address the crimes committed.

Comment

¶4. (C) Human Rights groups in Nepal will likely view the GON's decision to repeal TADO as a positive development because it has been used to hold people without charging them with a crime. However, the release of Maoist prisoners was a key demand of the Maoist negotiators, and it is deeply concerning that the GON continues to give up any leverage it has for negotiations with the Maoists by giving in to their demands, while not getting anything in return.
SCHWARTZ